

## TRANSPORTATION DEPARTMENT[761]

### Notice of Intended Action

#### **Proposing rule making related to highway bridge program and surface transportation block grant program and providing an opportunity for public comment**

The Transportation Department hereby proposes to amend Chapter 161, “Federal-Aid Highway Bridge Program,” and Chapter 162, “Surface Transportation Block Grant Program,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 307A.2(4).

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 307.44 and 313.4(1).

#### *Purpose and Summary*

The Department is proposing to amend Chapters 161 and 162 to add language stating that primary road funds may be swapped with Surface Transportation Block Grant (STBG) funds allocated to cities and counties for road and bridge construction projects. The highway bridge program is funded through STBG funds. These amendments are necessary to make the rules consistent with 2017 Iowa Acts, chapter 13, which amended Iowa Code section 313.4(1) and allows for the swap of STBG funds.

The following list explains the additional proposed amendments to Chapters 161 and 162:

- Amend the title of Chapter 161 by striking “federal-aid” and adding “for cities and counties.” The change in the title is being made to clarify that the highway bridge program is for cities and counties and that with the addition of the swap language, the funds will no longer be federal aid.
- Strike “federal-aid” within rule 761—161.1(307) for consistency.
- Amend rules 761—161.2(307) and 761—162.2(307) to add references to the Department’s website where additional information may be found about the swap process.
- Amend rule 761—161.3(307) to add the words “Block Grant” to the name of the Surface Transportation Program and to amend the wording of the federal citation for consistency.
- Amend the implementation sentences within both chapters to add references to Iowa Code section 313.4(1). The implementation sentence for Chapter 162 is also amended to strike the reference to 2016 Iowa Acts, Senate File 2320, and to add a reference to Iowa Code section 307.44 for consistency.
- Correct the parenthetical implementation statutes of existing rules within Chapter 162 to reference Iowa Code chapter 307 and to strike the reference to 2016 Iowa Acts, Senate File 2320.

Iowa Code section 313.4(1)“c” allows the Transportation Commission to allocate money from the primary road fund to be swapped. The Transportation Commission approved the proposed amendments to Chapters 161 and 162 at its April 10, 2018, meeting.

#### *Fiscal Impact*

2017 Iowa Acts, chapter 13, amended Iowa Code section 313.4(1)“c” to increase efficiency and reduce project costs. The Department is implementing this legislation and, because it is early in the implementation stage, swap projects have not yet been constructed. Therefore, a fiscal impact cannot be determined, but the Department believes the impact will be positive.

### *Jobs Impact*

After analysis and review of this rule making, the Department has determined that the proposed amendments may have a positive impact on private sector jobs and employment opportunities in Iowa. The amendments will result in cost savings that will in turn be reinvested into additional construction projects throughout the state. The additional projects should increase the number of jobs for the contracting and consulting industry.

### *Waivers*

Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

### *Public Comment*

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on May 29, 2018. Comments should be directed to:

Tracy George  
Department of Transportation  
DOT Rules Administrator, Strategic Communications and Policy  
800 Lincoln Way  
Ames, Iowa 50010  
Email: [tracy.george@iowadot.us](mailto:tracy.george@iowadot.us)

### *Public Hearing*

A public hearing to hear requested oral presentations will be held as follows:

May 31, 2018	Department of Transportation
10 a.m.	Administration Building
	First Floor, South Conference Room
	800 Lincoln Way
	Ames, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department's rules administrator, and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend **761—Chapter 161**, title, as follows:

**FEDERAL-AID HIGHWAY BRIDGE PROGRAM FOR CITIES AND COUNTIES**

ITEM 2. Amend rule 761—161.1(307) as follows:

**761—161.1(307) Purpose.** The purpose of these rules is to establish requirements for the counties' and cities' federal-aid highway bridge program, in accordance with Iowa Code section 307.44.

ITEM 3. Amend rule 761—161.2(307) as follows:

**761—161.2(307) ~~Contact information~~ Information.** Questions ~~regarding~~ Information relating to this chapter may be ~~directed to~~ obtained from the Office of Local Systems, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; or on the department's website at [www.iowadot.gov](http://www.iowadot.gov).

ITEM 4. Amend rule 761—161.3(307) as follows:

**761—161.3(307) Source of funds.** The Surface Transportation Block Grant Program established in ~~Section 133 of Title 23 of the United States Code~~ 23 U.S.C. Section 133 provides for the use of federal funds to replace or rehabilitate public road bridges. The department, in consultation with county and city officials through their representative organizations, has dedicated a portion of these funds for replacement and rehabilitation of city and county bridges.

ITEM 5. Renumber rule **761—161.4(307)** as **761—161.5(307)**.

ITEM 6. Adopt the following new rule 761—161.4(313):

**761—161.4(313) Swapping of funds.** Surface Transportation Block Grant funds allocated to city and county road or bridge construction projects may be swapped with primary road funds in accordance with Iowa Code section 313.4(1).

ITEM 7. Amend **761—Chapter 161**, implementation sentence, as follows:

These rules are intended to implement Iowa Code ~~section~~ sections 307.44 and 313.4(1).

ITEM 8. Amend rule 761—162.1(86GA,SF2320), parenthetical implementation statute, as follows:

**761—162.1(86GA,SF2320 307) Purpose.**

ITEM 9. Amend rule 761—162.2(86GA,SF2320) as follows:

**761—162.2(86GA,SF2320 307) ~~Contact information~~ Information.** Information relating to this chapter may be obtained from the Office of Program Management, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone (515)239-1661; or on the department's website at [www.iowadot.gov](http://www.iowadot.gov).

ITEM 10. Amend rule 761—162.3(86GA,SF2320), parenthetical implementation statute, as follows:

**761—162.3(86GA,SF2320 307) Source of funds.**

ITEM 11. Amend rule 761—162.4(86GA,SF2320), parenthetical implementation statute, as follows:

**761—162.4(86GA,SF2320 307) Administration of funds.**

ITEM 12. Renumber rule **761—162.4(307)** as **761—162.5(307)**.

ITEM 13. Adopt the following new rule 761—162.4(313):

**761—162.4(313) Swapping of funds.** Surface Transportation Block Grant funds allocated to city and county road or bridge construction projects may be swapped with primary road funds in accordance with Iowa Code section 313.4(1).

ITEM 14. Amend **761—Chapter 162**, implementation sentence, as follows:

These rules are intended to implement ~~2016 Iowa Acts, Senate File 2320, section 4~~ Iowa Code sections 307.44 and 313.4(1).